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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

09 FEB -4 PM 4:01

UNITED STATES OF AMERICA,

Plaintiff,

v.

1) Rashad Tariq LANSING,

2) Jose HERNANDEZ,

3) Guadalupe LANSING,

Defendant(s)

Magistrate Case No.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:DEPUTY *gr*Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

'09 MJ 0342

The undersigned complainant, being duly sworn, states:

On or about **February 2, 2009**, within the Southern District of California, defendant **RASHAD Tariq LANSING, Jose HERNANDEZ, and Guadalupe LANSING** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Sergio CHAMORRO-Sanchez, Ramon RIVERA-Avila, and Gabriel ESTRADA-Torres** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Jacob Sanchez
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF FEBRUARY,
2009

Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

DOA

2-2-09

gr

CONTINUATION OF COMPLAINT:

- 1) **Rashad Tariq LANSING**
- 2) **Jose HERNANDEZ**
- 3) **Guadalupe LANSING**

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Sergio CHAMORRO-Sanchez, Ramon RIVERA-Avila, and Gabriel ESTRADA-Torres** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 02, 2009, at approximately 5:15 PM, Border Patrol Agent R. Kihm was performing his assigned duties in lanes one and two at the San Clemente, CA, Border Patrol Checkpoint, which was fully operational at this time. Agent Kihm observed a GMC Yukon, approach the stop sign in lane one. The driver later identified as defendant **Rashad Tariq LANSING** appeared nervous and confused as he was fidgeting and moving around in his seat. When the driver rolled down his window, Agent Kihm thought that he could smell the slight odor of burnt marijuana coming from the vehicle. Agent Kihm sent Rashad Tariq LANSING to the secondary inspection area.

Almost immediately after the Yukon was sent to the secondary inspection area, Agent Kihm observed a Chevrolet Suburban, approach in lane two. The driver, later identified as defendant **Jose HERNANDEZ**, would not make eye contact with him and tried to pass by the stop sign, without stopping. Agent Kihm had to motion to HERNANDEZ about three times to get him to stop. Agent Kihm then sent him to the secondary inspection area.

In secondary inspection, Border Patrol Agent J. Coursey identified himself as a U.S. Border Patrol Agent and questioned the driver of the Yukon, Rashad Tariq LANSING as to his citizenship. Rashad Tariq LANSING stated that he was a United States Citizen. Border Patrol Agent D. Kertenian identified himself as a Border Patrol Agent and questioned the female in the front passenger seat, later identified as defendant **Guadalupe LANSING** as to her citizenship. She stated that she was a United States Citizen. Agent Kertenian then noticed several individuals in the back of the vehicle, including a couple that were trying to hide behind the rear seat. He then questioned all six passengers in the back seat of the vehicle as to their citizenship. They all admitted to being citizens of Mexico without any immigration documents to be in or remain in the United States legally.

Agent D. Kertenian and Border Patrol Agent H. Gonzalez then approached the second vehicle and identified themselves as Border Patrol Agents. They questioned the driver of the Suburban defendant Jose HERNANDEZ as to his citizenship. He stated that he was a United States Citizen. Senior Patrol Agent R. Sandoval, and Agent D. Kertenian, noticed subjects in the rear of the vehicle and questioned them as to their immigration status. All six admitted to being citizens of Mexico without any immigration documents to be in or remain in the United States legally. All fifteen individuals were subsequently placed under arrest and transported to the San Clemente Border Patrol Station for processing.

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CONTINUATION OF COMPLAINT:

- 1) Rashad Tariq LANSING
- 2) Jose HERNANDEZ
- 3) Guadalupe LANSING

DEFENDANT STATEMENT (Rashad Tariq LANSING):

Defendant Rashad Tariq LANSING was advised of his Miranda Rights. He stated that he understood his rights and did not ask for an attorney before providing the Agents with a statement. The defendant stated that he is a citizen and national of the United States.

Rashad Tariq LANSING stated that he was called on his cell phone by a person he knows as "Blimpy." Rashad Tariq LANSING stated that he was told to go to 33rd St. and El Cajon Blvd in San Diego, California and pick up the vehicle and the six illegal aliens. Rashad Tariq LANSING stated he was to drive to Anaheim, California and drop off the illegal aliens. He stated he would be paid approximately \$400.00 U.S. dollars upon arrival. Rashad Tariq LANSING stated that on February 2, 2009, he left 33rd St at approximately 1:30 p.m., and drove north without stopping. Rashad Tariq LANSING stated that his wife defendant Guadalupe LANSING, was with him when he picked up the load in San Diego.

Rashad Tariq LANSING stated that while he was in the secondary inspection area at the San Clemente Checkpoint, he believes he saw "Blimpy" drive by in a white pickup and honk at him. When asked about the driver of the other vehicle, defendant Jose HERNANDEZ, Rashad Tariq LANSING stated that he saw the Suburban at the same location on 33rd St. where he picked up the vehicle with a man standing next to it, but could not positively identify the man.

DEFENDANT STATEMENT (Jose HERNANDEZ):

Defendant Jose HERNANDEZ was advised of his Miranda Rights. He stated that he understood his rights and did not ask for an attorney before providing the Agents with a statement. The defendant stated that he is a citizen and national of the United States.

HERNANDEZ stated that a man named "Juan," met him outside his apartment and in San Diego, California near Euclid and Imperial Ave., and told him that he had a job for him. HERNANDEZ stated that "Juan" took him to a house in Bonita, California, and that the Suburban and the illegal aliens were already there. HERNANDEZ stated that he noticed defendant Rashad Tariq LANSING, while at the house. HERNANDEZ was told by "Juan" to drive the Suburban north to Anaheim, California and that he would be paid \$600.00 U.S. dollars upon arrival. HERNANDEZ also stated that one of the female aliens mentioned during conversation that she had been on a boat that entered the United States illegally the night before.

CONTINUATION OF COMPLAINT:

- 1) Rashad Tariq LANSING
- 2) Jose HERNANDEZ
- 3) Guadalupe LANSING

DEFENDANT STATEMENT (Guadalupe LANSING):

Defendant Guadalupe LANSING was advised of her Miranda Rights. She stated that she understood her rights and did not ask for an attorney before providing the Agents with a statement. The defendant stated that she is a citizen and national of the United States.

Guadalupe LANSING stated that on February 2, 2009, she was with her husband defendant Rashad Tariq LANSING shopping at Horton Plaza, in San Diego, California until approximately 3:00 p.m. Guadalupe LANSING stated that together they then traveled to a house that was located about five minutes from Horton Plaza together in a Honda Civic. Guadalupe LANSING stated that when they arrived at the house the illegal aliens were already inside the Yukon. According to Guadalupe LANSING, they left the house at around 3:30 p.m. and drove north on Interstate 5 until they were stopped at the checkpoint.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses Sergio CHAMORRO-Sanchez, Ramon RIVERA-Avila, and Gabriel ESTRADA-Torres stated that they are citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States legally.

They stated that arrangements were made to be smuggled into various parts of the United States and that they were to pay, or someone was to pay for them between \$2,500.00 to \$3,000.00 U.S. dollars.

When shown a photographic lineup material witness CHAMORRO identified defendant Rashad Tariq LANSING as the driver and Guadalupe LANSING as the passenger of his smuggling vehicle. Material witness RIVERA identified defendant Jose HERNANDEZ as the driver of his smuggling vehicle. Material Witness ESTRADA identified defendant Rashad Tariq LANSING as the driver of the Yukon and defendants Guadalupe LANSING and Jose HERNANDEZ as those who accompanied Rashad Tariq LANSING to the pick-up house.